

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LORI KOHUTEK, and  
MICHAEL KOHUTEK,

Plaintiffs,

v.

No. 2:18-cv-01076-SMV-KRS

RHONDA BURNS;  
DESTINY REAL ESTATE AND  
DEVELOPMENT, LLC; and  
DIANNA GANDY,

Defendants.

**SCHEDULING ORDER**

**THIS MATTER** comes before the Court following a telephonic Rule 16 scheduling conference held on February 6, 2019. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, except for minor modifications discussed on the record and included in the dates below.

**IT IS, THEREFORE, ORDERED** that the parties shall follow the following discovery plan:

- (a) Maximum of twenty-five interrogatories per side to the other side with responses due thirty days after service.
- (b) Maximum of twenty requests for admission per side to the other side with responses due thirty days after service.
- (c) Maximum of twenty requests for production per side to the other side with responses due thirty days after service


- (d) Maximum of six depositions per side. Depositions shall not exceed seven hours unless extended by agreement.

**IT IS FURTHER ORDERED** that the following case management deadlines shall govern:

- (a) Plaintiffs' deadline to amend pleadings or join additional parties in accordance with Federal Rule of Civil Procedure 15: **July 1, 2019;**
- (b) Defendants' deadline to amend pleadings or join additional parties in accordance with Federal Rule of Civil Procedure 15: **July 1, 2019;**
- (c) Plaintiffs' expert-disclosure deadline: **July 15, 2019;**
- (d) Defendants' expert-disclosure: **August 15, 2019;**
- (e) Deadline for supplementing discovery/disclosures: **thirty days before end of discovery;**
- (f) Termination of discovery: **November 1, 2019;**
- (g) Motions relating to discovery: **November 22, 2019;**
- (h) All other motions, including dispositive and *Daubert* motions: **December 6, 2019;**
- (i) Pretrial order:      Plaintiffs to Defendants by: **December 18, 2019;**  
                                 Defendants to Court by: **December 30, 2019.**

**IT IS FURTHER ORDERED** that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery

deadline. A written discovery request must be propounded by a date so that the response to that request shall be due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the 21-day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea", written over a horizontal line.

KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE